

REMARKS

The application includes claims 1-42 prior to entering this amendment.

The examiner rejected claims 23-32 under 35 U.S.C. § 101 alleging that they do not comply with the requirements of MPEP 2106.IV.B.1(a).

The examiner allowed claims 15-22 and 39-42 and indicated allowable claims 23-32 provided the applicants amend the claims to obviate the rejection under § 101.

The examiner rejected claims 1-7, 23-25, and 33-35 under 35 U.S.C. § 102(e) over Ryu (U.S. Patent 6,295,386).

The examiner rejected claims 9-14, 27, and 37-38 under 35 U.S.C. § 103(a) over Clark et al. (U.S. Patent 4,757,389).

The applicants amend claims 1-2, 23-25, and 29-35 and cancel claims 8-14, 26-28, and 36-38 without prejudice.

Claims 1-7, 15-25, 29-35, and 39-42 remain in the application after entering this amendment.

The applicants do not add new matter and do request reconsideration.

Claim Rejections Under § 101

The examiner rejected claims 23-32 alleging that they do not comply with the requirements of MPEP 2106.IV.B.1(a) at least in part because no section 1(a) appears to exist in MPEP 2106.IV.B.¹ The applicants disagree with the examiner but nonetheless amend claims 23-25 and 29-32 to obviate the rejection. The applicants note that the claims recite an article of manufacture that is one of the four enumerated categories of patentable subject matter recited in § 101. The applicants amend the claims to replace the conditional “if” in the preamble, with a more definite “when” to clarify any ambiguities that may remain. The applicants request the examiner call to clarify the rejection and suggest possible amendments, if such remain necessary.

Claims Allowed

The applicants thank examiner Safaipour for allowing claims 15-22 and 39-42 and indicating allowable claims 29-32.

¹ See Revision 6 of the Eighth Edition of the MPEP, dated 9/2007.
AMENDMENT

The applicants amend claims 23-32 to obviate the examiner's rejection under § 101. Claims 29-32 are in condition for the examiner's allowance.

Claim Rejections Under § 102

The examiner rejected claims 1-7, 23-25, and 33-35 under § 102 over Ryu. The applicants traverse the rejection, particularly as they have amended claims 1-2, 23-25, and 33-35.

The examiner acknowledges that none of the art of record discloses determining if a calibration parameter is stored, calculating a calibration parameter if no calibration is stored, and completing image scanning without further determining. In accordance with the examiner's acknowledgements, the applicants amend claim 1 to recite *calculating a calibration parameter responsive to determining that the calibration parameter is not stored in memory, calibrating the captured image using the calibration parameter and completing image scanning for the object and repeating the using an image capturing element for a subsequent scanning object without further calculating*. The applicants amend claim 23 to recite *calculating a preset calibration parameter responsive to determining that the preset calibration parameter is not stored in memory and completing image scanning for the object and repeating said using an image capturing element for a subsequent scanning object without further calculating*. And the applicants amend claim 33 to recite *means for calculating a calibration parameter prior to image capturing and responsive to determining that the calibration parameter is not stored in memory and means for completing image scanning for the object without involving the means for calculating*.

Claims 1-7, 23-25, and 33-35 are in condition for the examiner's allowance.

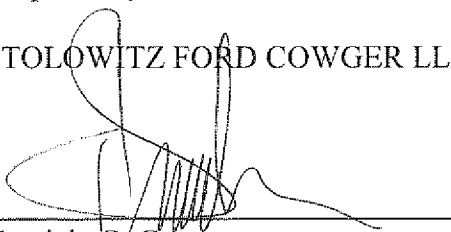
Conclusion

In view of the foregoing, applicants respectfully submit that claims 1-7, 15-25, 29-35, and 39-42 are allowable and ask the examiner to pass this application to allowance. If the examiner has any questions or believes that a telephone conference would expedite prosecution of this application, applicants encourage the examiner to call the undersigned at (503) 224-2170.

Customer No. 73552

Respectfully submitted,

STOLOWITZ FORD COWGER LLP


A handwritten signature in black ink, appearing to read 'Graciela G. Cowger', is written over a horizontal line.

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